

RESOLUTION NO. 14-072

4 PINDER LANE - REVOCABLE LICENSE

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING THE CITY OF KEY WEST TO ENTER INTO A REVOCABLE LICENSE AGREEMENT FOR NONPERMANENT USE OF 760.75 SQUARE FEET OF CITY PROPERTY FOR PARKING, BRICK PAVERS AND LANDSCAPING ASSOCIATED WITH AN HISTORIC STRUCTURE LOCATED AT 4 PINDER LANE, PURSUANT TO SECTION 2- 939 OF THE CODE OF ORDINANCES; PROVIDING CONDITIONS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Section 2-939 of the Code of Ordinances provides that the City may grant a revocable license for a nonpermanent use of property; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AS FOLLOWS:

Section 1: That the City Manager is hereby authorized to execute a "Revocable License Agreement For Use of City Property" to allow the nonpermanent use of 760.75 square feet of City Property for parking, brick pavers and landscaping associated with an historic structure located at 4 Pinder Lane, in a form acceptable to the City Attorney.

Section 2: That the revocable license agreement to allow nonpermanent use of 760.75 square feet area for parking and to maintain existing brick pavers and landscaping be granted with the following conditions:

1. That the City may unilaterally terminate the revocable license with or without cause upon 30 days written notice. That the owner shall pay the yearly fee specified in Code of Ordinances section 2-939.
2. That the owner shall irrevocably appoint the City Manager as its agent to permit the removal of the brick pavers and landscaping if the yearly fee required by the Code of Ordinances is not paid.
3. That the revocable license shall terminate upon the failure of the property owner to maintain liability insurance such public liability and property damage insurance protecting the City from all claims and damage to property or bodily injury. Such insurance shall provide coverage of not less than one million dollars (\$1,000,000.00) naming the City as an additional insured for that portion of real property which is the subject of this revocable license. The policy shall not terminate or be cancelled without 45 days' written notice to the Chief Building Official, sent via certified mail.

4. In the event this revocable license is terminated, the brick pavers and landscaping shall be immediately removed upon the request of the City and in the event the brick pavers and landscaping are not removed or due to an emergency the City finds it necessary to act immediately, the City may remove same and shall not be responsible for damage incurred due to such removal. The costs incurred by the City associated with any such removal shall be borne by the owner.

5. The revocable license shall be personal to owner and may not be transferred or assigned.

Section 3: That prior to the execution of the Revocable License Agreement, the owner shall:

1. Increase life safety accessibility, by removing planters and vegetation located in front of 4 Pinder Lane (as shown in Exhibit 1).

2. Remove the front steps which encroach into city's right-of-way by reconfiguring the front steps to comply with Florida Building Code requirements and HARC guidelines.

Section 4: That this Resolution shall go into effect immediately upon its passage and adoption and authentication by the signature of the Presiding Officer and the Clerk of the Commission.

Passed and adopted by the City Commission at a meeting held this 4 day of March, 2014.

Authenticated by the Presiding Officer and Clerk of the Commission on 5 day of March, 2014.

Filed with the Clerk on March 5, 2014.

Mayor Craig Cates	<u>Yes</u>
Vice Mayor Mark Rossi	<u>Yes</u>
Commissioner Teri Johnston	<u>Yes</u>
Commissioner Clayton Lopez	<u>Yes</u>
Commissioner Billy Wardlow	<u>Yes</u>
Commissioner Jimmy Weekley	<u>Yes</u>
Commissioner Tony Yaniz	<u>Yes</u>

ATTEST

Cheryl Smith
CHERYL SMITH, CITY CLERK

Craig Cates
CRAIG CATES, MAYOR